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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,717

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Altay Kismir

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757 7590 01/13/2009  
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EXAMINER

FREEDMAN, LAURA

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

01/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,717	<b>Applicant(s)</b> KISMIR, ALTAY	
	<b>Examiner</b> LAURA FREEDMAN	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 06 November 2008, in which claims 1, 4, 5, and 7 were amended and claim 6 was cancelled.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites the limitation "the center" in line 3. There is insufficient antecedent basis for this limitation in the claim.

4. In regards to claim 4, it is unclear what is being claimed in the last two lines. For the purposes of examination, it is assumed that Applicant intended to claim the angle defined by the second group of tabs being a more acute angle than the angle defined by the first group of tabs.

5. In regards to claim 5, it is unclear what is being claimed in the last three lines. For the purposes of examination, it is assumed that Applicant intended to claim the inclined edge of each of the tabs forming an acute angle with the orthogonal matrix of the warp and weft yarns.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

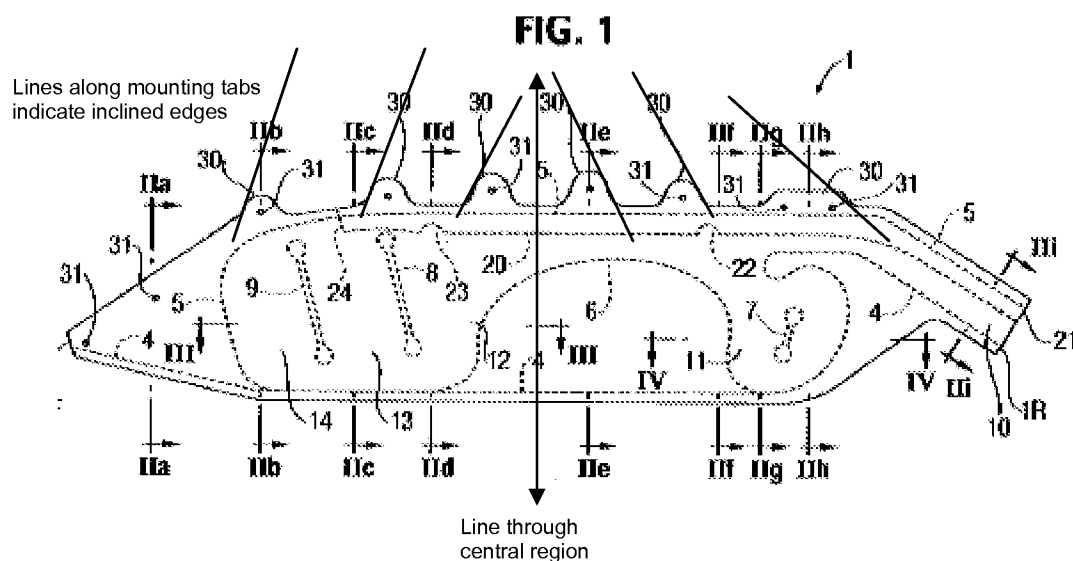
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Masuda et al. (US 6,199,898). Masuda et al. disclose an airbag (for example, including inflatable curtain #1, 1A, 1B) comprising:

- At least one inflatable region (for example, including chambers #11-14)
- Upper edge (for example, including edge along top of airbag that includes mounting tabs) provided with a plurality of mounting tabs (for example, including #30)
- Each of the plurality of mounting tabs having an inclined edge (see marked-up drawing below) extending from the upper edge and inclined to define an angle of less than  $90^{\circ}$  with respect to the upper edge, and being inclined inwardly toward a line (see marked-up drawing below) lying vertically through a central region of the airbag
- At least one of the tabs is inclined at an angle between  $30^{\circ}$  and  $80^{\circ}$  (though drawings are not necessarily drawn to scale, incline angle is between  $30^{\circ}$  and  $80^{\circ}$ )
- Each of the plurality of mounting tabs comprises a single layer of fabric forming the air bag (for example, each of the tabs formed of the same fabric material as airbag; including top of column 2, bottom of column 3; can be seen in figures 1, 5-7).



***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al. (US 6,199,898) in view of Takahara (US 20020140211). Masuda et al. do not specifically disclose warp and weft yarns of the mounting tabs. Takahara teaches an airbag (for example, including inflatable curtain #11) comprising at least one inflatable region (for example, including #11b, 11c, 11d), an upper edge (for example, edge along top of airbag that includes mounting tabs), and a plurality of mounting tabs (for example, including #11g). Each of the plurality of mounting tabs formed of a woven fabric (for example, including same woven fabric of airbag) having orthogonal warp and weft yarns (extending in longitudinal and vertical directions; including paragraph 0020), an inclined edge of each of the tabs forming an acute angle with the orthogonal matrix of the warp and weft yarns (for example, since the inclined edges make an acute angle with the longitudinal and vertical directions, then the inclined edges would also make an acute angle with the orthogonal matrix of the warp and weft yarns). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the plurality of mounting tabs of Masuda et al. to each be formed of a woven fabric having orthogonal warp and weft yarns, as taught by Takahara, so as to provide a strong and durable material. Further, use of woven fabric with orthogonal warp and weft patterns is old and well known in the airbag art, and applying a known technique to improve similar devices in the same way, or to a known device ready for improvement, would yield predictable results.

***Allowable Subject Matter***

10. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter is the angle of the second group of tabs being a more acute angle than the angle of the first group of tabs, in combination with other features of claims 1 and 4.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA FREEDMAN whose telephone number is (571) 272-2442. The examiner can normally be reached on Monday-Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

Laura Freedman  
Examiner  
Art Unit 3616